

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALSHAUN HICKS and
BRYAN McCROY,

Defendants.

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8:08CR321

ORDER

This matter is before the court on the motion for an extension of time by defendant Calshaun Hicks (Hicks) (Filing No. 23). Hicks seeks an extension of thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 17). Hicks has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 24). Upon consideration, the motion will be granted and the pretrial motion deadline will be extended to both defendants.

IT IS ORDERED:

Defendant Hicks's motion for an extension of time (Filing No. 23) is granted. Hicks and McCroy are given until **on or before October 15, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 16, 2008 and October 15, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of September, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge